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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/846,995

05/01/2001

Robert A. Wiedeman

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3914

7590

01/18/2005

KARAMBELAS & ASSOCIATES

655 DEEP VALLEY DRIVE

SUITE 303

ROLLING HILLS ESTATES, CA 90274

EXAMINER

CORSARO, NICK

ART UNIT

PAPER NUMBER

2684

DATE MAILED: 01/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/846,995

**Applicant(s)**

WIEDEMAN ET AL.

**Examiner**

Nick Corsaro

**Art Unit**

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-15, 17-24 and 26-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 32-34 is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-15, 17-24 and 26-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **RESPONSE TO AMENDMENT**

### ***Specification***

1. The Examiner accepts the new abstract. Therefore, the objection to the abstract from the last office action is hereby removed.

### ***Response to Arguments***

2. Applicant's arguments filed 10/08/2004 have been fully considered but they are not persuasive.

3. The applicants argued features, wherein a mobile satellite communications system, has a user terminal, at least one satellite, and at least one gateway, where the user terminal has a controller that will activate an indicator informing the user of a potential for reduced terminal performance, the controller activating the indicator when a certain criteria has been met, reads upon Maveddat in view of Rydbeck as follows.

Maveddat is discussing a mobile satellite communication system, where Maveddat states that the system has a mobile terminal and a satellite used by the system to allow a gateway to make bi-directional communication between a network and with the mobile terminal via the satellite. Maveddat further states that the system is communicating bi-directional voice, short message service and other data. Therefore, Maveddat discloses the limitations of "a mobile satellite communications system, a user terminal, at least one satellite, and at least one gateway in bi-directional communication with a data network. Maveddat further states that the topic of the disclosure is a notification and communication system where the system and terminal notifies the user of an outage or an impending outage of communications. Maveddat states that when there is an impending outage the system sends a message to the user terminal indicating that an

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outage is about to occur. Therefore, Maveddat discloses the limitation of “activating a message indicating the potential for reduced performance based on a criteria”. The criteria being that the system has determined the potential and that the terminal has received a signal and message to indicate such an occurrence. Maveddat did not specifically disclose an indicator, however was describing a message displayed to the user. Reduced performance indicated by the message. As a result Maveddat implies an indicator could be used. Rydbeck was used to show that it is obvious to one of ordinary skill in the art to use an indicator.

As a result the examiner contends that Maveddat in view of Rydbeck discloses the argued features.

In response to the applicants argument that the gateway is not bi-directional coupled to a data communications network as required by the instant claims the examiner disagrees in that the systems is communicating bi-directional information such as short message service from the land systems to the mobiles via the gateways and the satellites.

In response to the applicant's arguments regarding the modification of Maveddat and Rydbeck by Arrington and Redden, Maveddat and Rydbeck disclosed a satellite communication system with terminals that indicate an impending reduced performance. Therefore, Maveddat and Rydbeck have disclosed the main features of the system and one skilled in the art would be motivated to make modification to those main features using analogous art such as Arrington and Redden.

As a result, the Examiner contends that the argued features are shown by the cited references and the applicant's arguments are not persuasive.

*Allowable Subject Matter*

4. Claims 32-34 are allowed.

*Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 10, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maveddat et al. (6,070,073) in view of Rydbeck et al. (5,918,176).

Consider claim 1, Maveddat discloses a mobile satellite telecommunications system (see col. 1 lines 7-35 and col. 5 lines 7-12). Maveddat discloses at least one user terminal; at least one satellite in earth orbit; and at least one gateway bi-directionally coupled to a data communications network (see col. 5 lines 7-47). Maveddat discloses said user terminal comprising a controller responsive to at least one criterion having been met for activating a message for informing a user of a potential for reduced user terminal performance (see col. 8 lines 21-65).

Maveddat does not specifically disclose activating an indicator. Rydbeck teaches activating and indicator (see col. 7 lines 35-67 and col. 8 lines 15-40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Maveddat, and have activate an indicator, as taught by Rydbeck, thus allowing the user to be notified of low link margin, as discussed by Rydbeck (col. 1 lines 18-44 and col. 1 lines 60-67).

Consider claim 10, Maveddat discloses a mobile satellite telecommunications system (see col. 1 lines 7-35 and col. 5 lines 7-12). Maveddat discloses at least one user terminal; at least one satellite in earth orbit; and at least one gateway bi-directionally coupled to a data communications network (see col. 5 lines 7-47). Maveddat discloses said user terminal comprising a controller responsive to a receipt of a message from said gateway, indicating that at least one criterion has been met, for activating a message for informing a user of a potential for reduced user terminal performance (see col. 8 lines 21-65).

Maveddat does not specifically disclose activating an indicator. Rydbeck teaches activating and indicator (see col. 7 lines 35-67 and col. 8 lines 15-40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Maveddat, and have activate an indicator, as taught by Rydbeck, thus allowing the user to be notified of low link margin, as discussed by Rydbeck (col. 1 lines 18-44 and col. 1 lines 60-67).

Consider claim 19, Maveddat discloses a method for operating a mobile satellite telecommunications system (see col. 1 lines 7-35 and col. 5 lines 7-12). Maveddat discloses providing at least one user terminal, at least one satellite in earth orbit, and at least one gateway bi-directionally coupled to a data communications network (see col. 5 lines 7-47). Maveddat discloses determining that at least one criterion has been met; and activating a message on said user terminal for informing a user of a potential for reduced user terminal communication (see col. 8 lines 21-65).

Maveddat does not specifically disclose activating an indicator. Rydbeck teaches activating and indicator (see col. 7 lines 35-67 and col. 8 lines 15-40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Maveddat, and have activate an indicator, as taught by Rydbeck, thus allowing the user to be notified of low link margin, as discussed by Rydbeck (col. 1 lines 18-44 and col. 1 lines 60-67).

7. Claims 2-6, 8-9,11-15, 17-18, 20-24, 26-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maveddat in view of Rydbeck as applied to claims 1, 10, and 19 above, and further in view of Arrington et al. (5,918,176) and Redden et al. (5,490,087).

Consider claims 2-6, 8-9,11-15, 17-18, 20-24, 26-31, Maveddat, discloses the system and method, as modified by Rydbeck above, wherein a possible outage message and indicator given to the user terminal where the terminal is covered by several satellites and the link margin of the satellites falls low. Maveddat and Rydbeck do not specifically disclose a several coverage satellite system, where diversity transmission from the satellites such that the link margin is based on the diversity transmission. Arrington shows coverage by several satellites and a report of link margin (see col. 5 lines 30-67, col. 6 lines 55-67, and col. 8 lines 1-15). Redden discloses diversity transmission and an outage report (see col. 15 lines 7-47, and col. 9 lines 35-55).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Maveddat and Rydbeck, and have several coverage satellite system, where diversity transmission from the satellites such that the link margin is based on the diversity transmission, and link outage report, as taught by Arrington and Redden , thus allowing the reporting be done for mobiles in fading environments.

***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nick Corsaro whose telephone number is 703-306-5616. The examiner can normally be reached on 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay A Maung can be reached on 703-308-7745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Nick Corsaro". The signature is fluid and cursive, with a long horizontal stroke at the end.

Nick Corsaro

**NICK CORSARO  
PRIMARY EXAMINER**

Primary Examiner  
(703) 306-5616